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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,414	01/16/2004	Michael Parks	24998-11307	7492

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EXAMINER

THIER, MICHAEL

ART UNIT PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/759,414

Applicant(s)

PARKS, MICHAEL

Examiner

Michael T. Thier

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see response (arguments and affidavit), filed 2/15/2007, with respect to the rejection(s) of claim(s) 1-3, and 5-6 under 103 rejection to Bittmann in view of Fieldhouse and claim 4 further including Bagoren, have been fully considered and are persuasive. The affidavit, which swears behind the Bittmann reference, has been considered and based on this affidavit, along with the arguments filed, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Lesley (US 6188752).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley (US 6188752) in view of Fieldhouse et al. (US 2002/0119767).

Regarding claim 1. Lesley teaches a method for obtaining an account balance of a wireless communication account (see abstract, and column 19 lines 19-23), said wireless communication account associated with an account identifier (column 6 lines 56-65, i.e. prepaid account number field 54, the prepaid account number is account identifier), comprising: associating a handset identifier with said wireless communication

account (column 6 lines 56-65, i.e. the subscriber account number is the handset identifier, further explained in column 7 lines 5-9 as a telephone number of the communications device.); transmitting a first message to an account maintenance system (see column 9 line 45 through column 10 line 10), said first message comprising at least said handset identifier and said account identifier (see column 9 lines 45-50, i.e. the subscriber account number associated with the terminal is associated with a prepaid account number, the system uses this to locate the database record.); and a handset associated with the handset identifier obtaining said account balance by receiving a second message (column 10 lines 15-23), the second message providing an account balance for the wireless communication account associated with said account identifier. (column 10 lines 22-23)

However, Lesley does not distinctly disclose the idea that the first message is transmitted in response to a user selection of a predetermined handset key.

Fieldhouse discloses a recharge system for a calling account (abstract). He discloses the idea of using a predetermined handset key, that a user can select in order to transmit a first message. (see paragraphs 44-45, where it is explained that the wireless telephone is associated with a stored-value account (such as a pre-paid account), and that when the users account is low the user can press selector 21, which is predetermined to connect to the recharge service and initiate a recharge transaction, i.e. sending a first message based on the user selection of a predetermined handset key. In par. 56 the idea of the button for recharge being a one touch method is explained.)

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the sending a message based on a user selection of a predetermined handset key as in Fieldhouse with the idea of checking a users account balance as in Lesley. The motivation for doing so would have been to allow the user to detect if a stored value account (i.e. prepaid account) is low, and adding calling units to the account based on a reselected recharge option (Fieldhouse par. 10).

Regarding claim 2. Fieldhouse further teaches wherein said transmitting a first message comprises: enabling a soft key from a plurality of handset keys for replenishment of an account (figure 5 item 21c); associating said account identifier with said soft key (see par. 50 where it is explained that the user selects the recharge key and then the system is configured to directly link the wireless telephone to the recharge website, and selection of the recharge amount causes the server to add the calling units to the users calling account, therefore the account must in some way be associated with the soft key, since when it is pressed by the user, the account is able to have units added thereto); associating a null amount with said soft key (see par. 52 where it is explained that predetermined amounts can be configured for the recharge button); and said transmitting of said first message being in response to a user selection of said soft key (see paragraphs 44-45, where it is explained that the wireless telephone is associated with a stored-value account (such as a pre-paid account), and that when the users account is low the user can press selector 21, (21c is the recharge soft key) which is predetermined to connect to the recharge service and initiate a recharge transaction, i.e. sending a first message based on the user selection of the soft key.), said first

message comprising a null amount (i.e. the predetermined amount to recharge the account from par. 52), said account identifier (see par. 52 where it is explained that the account has the recharge amount added automatically with no other input from the user, therefore, although not described in detail, an account identifier is obvious). Fieldhouse does not disclose the idea of a handset identifier in the message. Lesley, on the other hand, does disclose this idea in column 9 lines 31-50. Here, he explains that the subscriber account number (telephone number as explained in column 7 lines 5-9), is detected at the service control processor, therefore it must be sent in some form to be detected.

Regarding claim 3. Fieldhouse further teaches the idea of a message to the recharge server containing payment account data in par. 60. See where he explains the server may prompt the user to enter payment information.

Regarding claim 5. Fieldhouse further teaches wherein the predetermined handset key is a directional key in par. 47 (i.e. the scroll key 21d reads on a directional key).

Regarding claim 6. Fieldhouse further teaches that the wireless communications account is a prepaid telephone account in the abstract (i.e. stored-value calling account).

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the grounds of rejection as applied to claim 1 above, and further in view of Bagoren et al. (US 2002/0115424).

Regarding claim 4. Lesley and Fieldhouse do not teach the idea of sending the message in an SMS message.

Bagoren teaches the idea of replenishing an account balance with a mobile phone using an SMS message in par. 10.

Therefore it would have been obvious for one of ordinary skill in the art at the time of invention to utilize the SMS messages as in Bagoren with the idea of checking a users account balance, and replenishing it as in the combination of Fieldhouse and Lesley. The motivation for doing so would have been to allow for notifying the subscriber using the commonly known short messaging service (SMS) (Bagoren par. 9).

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Thier whose telephone number is (571) 272-2832. The examiner can normally be reached on Monday thru Friday 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Michael T Thier
Examiner
Art Unit 2617
4/9/2007



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